

Message Text

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PAGE 01 STATE 007997
ORIGIN L-03

INFO OCT-01 AF-08 ISO-00 JUSE-00 /012 R

DRAFTED BY L/M:HSBURMAN:MFM
APPROVED BY L/M:KEMALMBORG
AF/EX - MR. BRYANT
JUSTICE - MR. HERGEN (SUB)
DESIRED DISTRIBUTION
FOREIGN LITIGATION SECTION, CIVIL DIV., DEPT. OF JUSTICE
-----132117Z 034235 /64
O 132044Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY BANGUI IMMEDIATE

UNCLAS STATE 007997

E.O. 11652: N/A

TAGS: ACLM

SUBJECT: STEVER V. PAN AFRICAN

REF: (A) BANGUI 2501(76) (B) BANGUI 2311(76)

1. IN CONNECTION COURT PROCEEDINGS SCHEDULED JANUARY 15, WHAT IS NATURE AND PURPOSE PROPOSED "SUBPOENA" REFERRED TO PARA 2, REF (A)? AGREE THAT EMBASSY SHOULD NOT REPEAT NOT ACCEPT SERVICE OF SUBPOENA OR OTHER JUDICIAL PROCESS AT THIS STAGE.

2. PAN AFRICAN COUNSEL HIRSCH SHOULD IN OUR VIEW CONTINUE TO OBJECT TO JURISDICTION OF COURT. REQUEST ONEGLIA PROVIDE REPORT CONCERNING JANUARY 15 PROCEEDINGS IN DETAIL ASAP.

3- RE: PARA 4, REF (B), UNPRODUCTIVE MEETING WAS HELD
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PAGE 02 STATE 007997

BETWEEN LINCOLN TOGETHER WITH REPRESENTATIVES OF WASHINGTON LAW FIRM ACTING ON BEHALF PLAINTIFF, AND DEPT. COUNSEL. LINCOLN INDICATED THAT USG DENIAL AUTHORIZATION TO DEPT. EMPLOYEE (PAUKERT) TO ISSUE AFFIDAVIT AT THIS STAGE CONCERNING EVIDENCE SURROUNDING ACCIDENT HAS PRODUCED ADVERSE EFFECT IN SOME MANNER ON PLAINTIFF'S POSTURE IN THIS CASE

BEFORE BANGUI COURT. LINCOLN WAS ADVISED THAT DEPT. ACTION WAS, IN OUR VIEW, ENTIRELY PROPER LEGAL DEFENSE ACTION UNDER CIRCUMSTANCES WHERE DEPT. HAD INDICATED WILLINGNESS, SHOULD CASE PROCEED TO MERITS, TO MAKE WITNESS AVAILABLE FOR DISPOSITION AND/OR DIRECT TESTIMONY IF IN FACT NECESSARY, AND THEREFORE AFFIDAVIT AT THIS STAGE UNNECESSARY, ESPECIALLY WHERE CONTENTS OF WHAT HE SOUGHT THROUGH AFFIDAVIT HAD ALREADY BEEN MADE AVAILABLE TO HIM THROUGH EMBASSY ACCIDENT REPORT CONTAINED IN PLAINTIFF'S MEDICAL FILES. LINCOLN WAS ADVISED THAT WE DO NOT REPEAT NOT ACCEPT THEIR POSITION THAT DENIAL AUTHORIZATION FOR AFFIDAVIT AT THIS STAGE IN ANY WAY SHOULD IMPAIR PLAINTIFF PROSECUTION OF CASE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE007997
Document Source: CORE
Document Unique ID: 00
Drafter: HSBURMAN:MFM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770013-1020
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770154/aaaabver.tel
Line Count: 76
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 860805da-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 BANGUI 2501, 77 BANGUI 2311
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20-Sep-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3604303
Secure: OPEN
Status: NATIVE
Subject: STEVER V. PAN AFRICAN
TAGS: ACLM
To: BANGUI
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/860805da-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009